

Wyeth

Five Giralda Farms
Madison, NJ 07940

Ronald J. Schott, Esq.
Senior Attorney
Environment, Health & Safety
973-660-6641 tel
973-660-7176 fax

February 6, 2004

FEB 06 2004

VIA FACSIMILE & OVERNIGHT MAIL

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

**RE: Follow-up 104 (e) Request -- Wyeth
Lower Darby Creek Area Superfund Site
Delaware and Philadelphia Counties, Pennsylvania**

Dear Ms. Prisk:

Enclosed please find Wyeth's response to the December 12, 2003 correspondence from Ms. Joan Armstrong of the United States Environmental Protection Agency ("USEPA") Region 3 Office regarding the Lower Darby Creek Area Superfund Site (the "Site"). Please note that Wyeth was granted an extension by USEPA up to, and including, February 6, 2004 to provide this response.

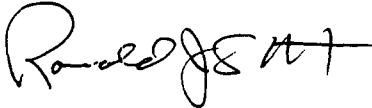
Wyeth is responding to USEPA's Follow-up 104(e) Request regarding the Site with respect to Wyeth's "Philadelphia, Pennsylvania area" establishments. For the purposes of this response, we have limited the term "Philadelphia, Pennsylvania area establishments" to those establishments located within approximately a fifty-mile radius of the Site and that were operated by Wyeth or its subsidiaries (collectively, "Wyeth") in the time period of 1958 to 1976. As a result, this response addresses Wyeth's facilities located at: (i) Radnor (also known as St. David's), Pennsylvania, (ii) Malvern (also known as Great Valley), Pennsylvania, and (iii) West Chester, Pennsylvania.

The submission of this response shall not be construed as an admission of any fact or liability. Further, the submission of this response shall not be construed as a waiver of any rights or defenses available to Wyeth, its subsidiaries and/or affiliates whether statutory or otherwise at law. Wyeth also reserves the right to supplement this response should additional information become available.

Ms. Carlyn Winter Prisk
February 6, 2004

If you have any questions, or require any further information, please call me at your convenience. Please continue to address all future correspondence concerning this matter to my attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ronald J. Schott". The signature is fluid and cursive, with a large initial "R" and a stylized "S".

Ronald J. Schott

Enclosures

cc: G. Smith, Esq.
R. Taggart
Brian Nishitani, Esq. USEPA Region 3 (3RC44)

INTRODUCTORY STATEMENT

Wyeth's investigation in this matter continues. If responsive information is developed through this continued investigation, Wyeth will supplement or amend this response, as appropriate.

OBJECTIONS

1. Wyeth objects to this USEPA Follow-up 104 (e) Request (the "Request"), because the definition of "you" is vague, ambiguous, overbroad and beyond the scope of information authorized to be obtained pursuant to Section 104 (e)(2) of Section 104 (e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 ("CERCLA"). Without waiving said objections, for the purposes of this response, the term "you" has been limited to those Wyeth establishments located within an approximately fifty-mile radius of the Site.
2. Wyeth objects to this Request because the definition of "waste" or "wastes" is vague, ambiguous, overbroad and beyond the scope of information authorized to be obtained pursuant to Section 104 (e)(2) of CERCLA.

INFORMATION REQUESTED

1. **Regarding Wyeth's response to Question 3 of EPA's August 9, 2002 Information Request, for each of the following current and former employees, please provide a written interview statement: Harold Loughhead, Thomas Hershey, William Donald Lane, and Edward R. Chambers.**

RESPONSE:

Wyeth objects to Question 1 of the Request as unduly burdensome and beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA, particularly to the extent it requires Wyeth to investigate the knowledge of persons who are not currently employed by Wyeth. Without waiving said objections, Wyeth responds by advising USEPA that it has contacted Harold Loughhead, William Donald Lane, and Edward R. Chambers. Thomas Hershey is no longer employed by Wyeth (as of or about November 2002) and efforts to contact him have thus far been unsuccessful. We are continuing in our efforts to contact Mr. Hershey. Messrs. Loughhead, Lane and Chambers have all advised that they have no recollection or familiarity with the Folcroft or Clearview Landfills or the Folcroft Annex. Please note the following updated contact information for Mr. Loughhead:

Harold Loughhead

[REDACTED]

2. Regarding Wyeth's responses to Questions 5, 6, and 7 of the August 9, 2002 Information Request, if any documents solicited with respect to the Folcroft Landfill or Annex are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, please provide the following:
- a) Wyeth's document retention policy;
 - b) A description of how the records were/are destroyed (burned, archived, trashed, etc.) And the approximate date of destruction;
 - c) A description of the type of information that would have been contained in the documents; and,
 - d) The name, job title, and most current address known to you or the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

RESPONSE:

Wyeth objects to Question 2 of the Request as unduly burdensome, overbroad and beyond the scope of information authorized to be obtained pursuant to Section 104 (e)(2) of CERCLA. Without waiving said objections, Wyeth states that, based on its investigation to date and except as might otherwise be set forth in documents previously provided to USEPA (see, also, Response to Question 3 below), Wyeth has been unable to identify any information to lead it to conclude that it ever possessed or had control over documents respecting the Folcroft Landfill or Annex. Consequently, Questions 2.a) – 2.d) are not applicable.

3. Regarding Wyeth's response to Question 8, Wyeth states "upon information and belief, that one or more of the Wyeth establishments in the Philadelphia, Pennsylvania area between 1958 and 1976 may have contracted with or made arrangements with Tri-County Hauling, Marvin Jonas or Jonas Waste Removal, and/or ABM Disposal Services Company for the removal or disposal of waste between 1958 and 1976."
- a) Please state the basis for Wyeth's belief that it may have arranged for shipment of wastes by these companies;
 - b) Please also provide a written interview statement and the name, address, and telephone number of any individual on which Wyeth relied in making this assertion; and,

- c) **If any of the documents solicited herein are no longer available, please provide all of the information requested in Question 2, subparts a through d, above.**

RESPONSE:

Wyeth objects to Question 3 of the Request as unduly burdensome, overbroad and beyond the scope of information authorized to be obtained pursuant to Section 104(e)(2) of CERCLA. Without waiving said objections, Wyeth responds as follows:

- a) The basis for Wyeth's belief that it may have contracted with Tri-County Hauling, Marvin Jonas or Jonas Waste Removal, and/or ABM Disposal Services Company for the removal or disposal of waste between 1958 and 1976 is reflected in documents that have previously been provided to USEPA involving other CERCLA sites for which Wyeth had been served with CERCLA 104(e) requests for information or other government requests. In addition to documents provided to USEPA in its October 30, 2002 response to the August 9, 2002 USEPA Request for Information regarding the Site, Wyeth has provided documents to USEPA or the United States for the following sites or matters: (i) Marvin Jonas Transfer Station site (New Jersey), (ii) GEMS site (New Jersey), (iii) Chemical Control Corporation site (New Jersey), and (iv) United States v. Melvin R. Wade, et al (response to subpoena), which matter involved USEPA Region III.
 - b) Based upon our discussions, Messrs. Loughhead, Lane and Chambers have indicated recollection of Wyeth contracting with or making arrangements with Marvin Jonas or Jonas Waste Removal and ABM Disposal Company.
 - c) Based on the results of our investigation of this matter to date, this question is not applicable.
4. **Please provide the name, title, area of responsibility, address, and telephone number and written interview statement (if one exists) of each individual who managed Wyeth's waste disposal practices in its Philadelphia area facilities between 1958 and 1976.**

RESPONSE:

Wyeth objects to Question 4 of the Request as unduly burdensome, overbroad, and beyond the scope of information authorized to be obtained pursuant to CERCLA Section 104 (e)(2). Without waiving said objections, Wyeth responds for its Philadelphia area establishments (as limited in this response) as follows:

Wyeth has recently determined that former employees Thomas Gaffney and Emerson Beehler might have been involved in the management of waste disposal practices at Wyeth's Great Valley, PA establishment.

The last known contact information for Mr. Gaffney is:

Thomas Gaffney
902 Vista Drive
West Chester, PA 19380
610-701-0143

We have been unable to locate contact information for Mr. Beehler.